THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.7287 OF 2007

Dated 02-08-2007

Between:

Y. Sujatha

…Petitioner

And

A.P.S.R.T.C., rep. by its Regional Manager,
Vijayawada, and another.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.7287 OF 2007

ORDER:

The 1st respondent issued a tender notification dated 02-03-2007, inviting tenders for supply of man-power to handle Enquiry Counter; Announcement and Control Chart; to maintain the arrivals and departures of Buses and Dock Counters at Pandit Nehru Bus Station, Vijayawada, for a period of one year. The contract required deployment of 15 persons, which includes semi- skilled and unskilled persons. The petitioner and the 2nd respondent submitted their tenders. While the petitioner quoted a sum of Rs.36,000/- per month, for the contract, the 2nd respondent quoted Rs.42,420/-. The 1st respondent accepted the tender of the 2nd respondent. The same is challenged in this writ petition.

The petitioner contends that she is the existing contractor for the very work, and when the amount quoted by her is very economical, there was no justification for the 1st respondent in accepting the tender of the 2nd respondent.

The 1st respondent filed a counter-affidavit. It is stated that, if the minimum wages, payable to the persons, to be engaged for the work, together with provident fund, the monthly remuneration would come to Rs.42,434/-, apart from computer maintenance and stationery charges, up to 450/-, and viewed in this context, the amount quoted by the petitioner does not even meet the minimum wages.

Learned counsel for the petitioner submits that from his client's family, two persons are working for the last one year, and they have to pay remuneration to only 13 employees, whose emoluments would be Rs.33,554/-. It is contended that the minimum wages, as prescribed by the Government, in the notification issued under the Minimum Wages Act (for short 'the Act'); were followed, and that there was no

justification for the acceptance of the tender of the 2nd respondent.

Learned Standing Counsel for the 1st respondent, on the other hand, submits that even assuming that two persons of the family of the petitioner were working, their wages are also to be provided, and that the amount quoted by the petitioner does not satisfy the requirement under the Act.

May be, on account of the acute unemployment, or in the anxiety to secure the contract, at any cost, the petitioner had quoted a sum of Rs.36,000/- per month, for the contract, referred to above. During the course of hearing, it emerged that the petitioner is being paid a sum of Rs.42,000/- per month, for this very contract. It is not known, as to how the petitioner had offered Rs.36,000/-, per month, when the inflationary tendencies are on the higher side. It is not in dispute that 15 persons have to be engaged for working in the contract, and some of them are required to be semi-skilled, while others unskilled. The facts and figures quoted by the petitioner do not satisfy the requirement under law, even if they are stretched to the maximum. This Court is not at all convinced, that the offer made by the petitioner was, either practical, or the one, that accords with law.

The writ petition is accordingly dismissed. There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.02-08-2007

KO